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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,948	03/06/2000	Fred Slavin	P/2167-141	8859
21967	7590	10/18/2006	EXAMINER	
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3691	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/518,948	Applicant(s) SLAVIN ET AL.	
	Examiner Stefano Karmis	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 67-91 and 94 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 67-91 and 94 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 07 August 2006.

Status of Claims

2. Claims 1, 4, 7, 11, 14, 24, 67, 70-72, 78-81, 83-85, 87, 90, 91 and 94 are previously presented. Claims 2, 3, 5, 6, 8-10, 12, 13, 15-23, 68, 69, 73-77, 82, 86, 88 and 89 are originally filed. Claims 25-66, 92, 93 and 95 are cancelled. Therefore, claims 1-24, 67-91 and 94 are currently pending.

Response to Arguments

3. Applicant's arguments filed 20 March 2006 with respect to claims 1-24 and 67-90 have been fully considered but they are not persuasive as discussed below. Claims 91 and 94 were not previously addressed and are addressed in the present office action. Therefore claims 1-24, 67-91 and 94 stand rejected and Applicant's request for allowance is respectfully declined.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-12, 14-22, 24, 67-78, 81-88, 90, 91 and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savage et al. (hereinafter Savage) US Publication US 2002/0026394 in view of Schlect et al. (hereinafter Schlect) U.S. Patent 6,035,285 and Langhammer U.S. Publication 2002/0099622.

8. Claims 1-12, 14-22, 24, 67-78, 81-88 and 90 were previously rejected under 35 U.S.C. 103(a) as being unpatentable over Savage et al. (hereinafter Savage) US Publication US 2002/0026394 in view of Schlect et al. (hereinafter Schlect) U.S. Patent 6,035,285 and Langhammer U.S. Publication 2002/0099622 as stated in the office action mailed 19 December 2005. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore, claims are

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interpreted as broad as reasonably possible and while claims must be read in light of the specification, limitations from the specification cannot be read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to independent claim 1, Savage teaches a method for an ordering and payment allocation system for a seller, the method comprising the acts of; receiving two or more orders from at least one buyer. Savage specifies that orders include bundles and that a “Bundle Plan” is made up of two products (page 8, paragraph 0067 and paragraph 0069). Furthermore, Savage teaches receiving a plurality of orders in a billing cycle. There is no discussion in the claim of whether the orders are received together. Interpreting the claim as broadly as reasonably possible allows for receiving two or more orders within the consolidated billing cycle. Savage further teaches that the “retail company” offers products and services and that “supply chain vendors” are the entities, which provide the products offered for sale through the retail channels (page 5, paragraph 0055). The orders received are sent to various supply chain vendors (page 8, paragraph 0067 and paragraph 0070).

Savage is silent on the exact relationship between the retail company and the supply chain vendor. However, the teachings of the retail company and the supply chain vendor appear to be in line with the teachings of a “subsidiary” in the instant application. The claims give no further guidance to the term “subsidiary.” However, assuming, that Savage fails to teach providing the orders to a subsidiary, the Examiner has cited the teachings of Savage in view of Schlect. Schlect teaches an electronic bill presentment method and bill consolidating method. Schlect specifically teaches that the system is for resource providers who can be both unrelated

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as well as related (column 22, lines 33-51 and column 9, lines 34-52). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention that the retail company and supply chain vendor teachings of Savage could be modified to include the related retail company teachings of Schlect when producing consolidated invoices because it allows for easy billing between providers/vendors. Both Savage and Schlect teach consolidating the invoice in a utility environment in an effort to provide more efficient billing for users with a plurality of utility services. Furthermore, Savage teaches allocating payments to the supply chain vendors (page 15, paragraph 0111).

The previous office action also cited a supplemental reference in further support of Schlect. Langhammer teaches a merchant-affiliated direct wholesale marketing and fulfillment system in which orders taken at one seller corresponding to multiple affiliated wholesalers are consolidated into a single invoice as well as payment allocation (page 8, paragraph 0077 and page 8, paragraph 0078). Langhammer also teaches providing unique identifiers associated with an invoice (page 7, paragraph 0075). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify Savage to include the teachings of Schlect and Langhammer because they all teach consolidating invoices for consumers that make multiple purchases from more than one seller and the consolidation of the invoices.

Continuing with claim 1, Savage teaches consolidating the orders into a consolidated invoice and making the consolidated invoice available to the at least one buyer. Savage teaches that the system receives aggregated bill data and sends a statement/invoice to the customer (page 15, paragraph 0108 and 0110).

Savage also teaches receiving an indication from the at least one buyer as to which of the orders a payment is being approved. Savage allows for payments and exceptions (page 15, paragraph 0111). Exceptions are charges that the customer is disputing and therefore is not approved. For these, reasons claim 1 stands rejected.

9. Claims 91 and 94 were newly added in the amendment filed 15 September 2005. Regarding claims 91 and 94, Savage teaches assigning a unique reference number to the consolidated invoice to enable tracking and invoice management (Figure 28). Furthermore, Schlect teaches the use of bill identifiers and also performs a check of invoice numbers to ensure that a payment is not made on a duplicate invoice (column 23, lines 53-65).

10. Independent claim 67 is substantially similar to claim 1 and therefore remains rejected under the same reasoning as claim 1. Claims 2-24 and 68-90 stand rejected as stated in the previous office action, mailed 19 December 2005. No new art has been added to this rejection. Therefore claims 1-24, 67-91 and 94 stand rejected and Applicant's request for allowance is respectfully declined.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Respectfully Submitted

Stefano Karmis

11 October 2006

A handwritten signature in black ink, appearing to be 'Stefano Karmis', written in a cursive style.A handwritten signature in black ink, appearing to be 'Hani M. Kazimi', written in a cursive style.

HANI M. KAZIMI
PRIMARY EXAMINER